

**Remarks:**

Prior to entry of the current Amendment, claims 1-10 and 13-40 remained pending in the application. Claims 17-20 and 40 have been allowed. Claims 2, 8 and 27 have been indicated to be allowable if rewritten in independent form. Claims 36-39 have been indicated to be allowable if rewritten to overcome a rejection under 35 U.S.C. § 112, 2nd paragraph. Claims 1, 3-7, 9-10, 13-16, 21-26 and 28-35 stand rejected under 35 U.S.C. § 102(b) based on Kasamoto et al.

***Rejections Under 35 U.S.C. § 112***

Claim 36 stands rejected under 35 U.S.C. § 112, 2nd paragraph, the Examiner indicating that there is insufficient antecedent basis for the phrase "the second metal layer" on line 4 of the claim. Claims 37-39 stand rejected because they depend from claim 36. Claim 36 has been amended to properly introduce a "second metal layer." Claims 36-39 thus are now in allowable form.

***Rejections Under 35 U.S.C. § 102(b)***

Claims 1, 3-7, 9-10, 13-16, 21-26 and 28-35 stand rejected under 35 U.S.C. § 102(b) based on Kasamoto et al. Applicants respectfully disagree.

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Nevertheless, in the interest of furthering prosecution of the present application, claims 1, 10, 13-16, 21, 26 and 31-35 have been cancelled without prejudice. Claims 2, 22 and 27 have been rewritten in independent form (claims 2 and 27 have been indicated to be allowable if rewritten in independent form; claim 22 includes subject matter similar to that of claim 27). Claims 3-9, 23-25 and 28-30 (as amended) depend from claims 2, 22 and 27. Claims 2-9, 22-25 and 27-30 thus are understood to be in allowable form.

***Allowable Subject Matter***

As indicated above, the Examiner has indicated that claims 17-20 and 40 are allowable, and that claims 2, 8 and 27 would be allowable if rewritten in independent form. The Examiner also specifies "primary reasons for the indication of allowability" of such claims, paraphrasing applicants' claimed invention. Applicants agree with the Examiner's conclusions regarding the patentability of the allowable claims, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, applicants believe that the claims are allowable because the prior art fails to teach or suggest the invention as claimed, independent of how the invention is paraphrased.

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**Conclusion**

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

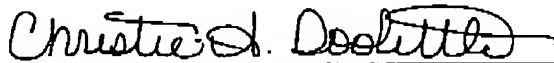
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to Examiner L. Nguyen, Group Art Unit 2853, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on April 4, 2005.



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